

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

RICHARD LEE SIMKINS, III,	:	
Plaintiff,	:	
v.	:	Case No. 3:18-cv-309
GRANDVIEW HOSPITAL, <i>et al.</i> ,	:	JUDGE WALTER H. RICE
Defendants.	:	

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DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #114);  
OVERRULING PLAINTIFF'S OBJECTIONS THERETO (DOC. #115);  
OVERRULING PLAINTIFF'S MOTION FOR A TEMPORARY  
RESTRAINING ORDER (DOC. #113)

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On March 28, 2019, *pro se* Plaintiff, Richard Simkins, III, filed an  
"Emergency Motion for Temporary Restraining Order to Enjoin the Ohio Greene  
County Courts of Common Pleas from Submitting Ruling on Matters Presently  
Under Subject Matter Jurisdiction of the Federal District Court Southern Division at  
Dayton[,] Ohio." Doc. #113.

Plaintiff alleges that, on March 20, 2019, Joshua Spears, whom Plaintiff  
wants to add as a Defendant in the above-captioned case, filed a retaliatory Civil  
Stalking Protection Order complaint in the Greene County Common Pleas Domestic  
Relations Court. That court set a hearing for April 1, 2019. Plaintiff maintains  
that Spears failed to inform the Greene County court of this pending federal action.

He asks this Court for an order directing Spears to file all claims that he might have against Plaintiff in federal court instead of state court so that all of the litigation may take place in one venue.

On April 3, 2019, United States Magistrate Judge Michael J. Newman issued a Report and Recommendation, Doc. #114, recommending that Plaintiff's Motion for a Temporary Restraining Order be denied. He found that Plaintiff's motion is barred by the Anti-Injunction Act, 28 U.S.C. § 2283, and that Plaintiff has not shown that he will suffer irreparable harm if the injunction is not granted.

On April 22, 2019, Plaintiff filed Objections to the Report and Recommendations. Doc. #115. He objects to the Court's use of the term "hospitalization." He argues that he was not "hospitalized." Instead, he maintains that he was kidnapped, battered and assaulted and that Defendants thereafter set up a "façade" of psychiatric hospitalization. As to the Greene County proceedings that are the subject of Plaintiff's motion, he alleges that the magistrate judge granted a temporary Civil Stalking Protection Order but postponed a full hearing until August 2, 2019. Plaintiff asks that this Court postpone a final disposition on his Motion for a Temporary Restraining Order until after that hearing.

The Court **OVERRULES** Plaintiff's Objections to the Report and Recommendations, Doc. #115, as well as his request to postpone final disposition. Plaintiff completely fails to address the Anti-Injunction Act and the "irreparable harm" requirement for injunctive relief. The Magistrate Judge's use of the term "hospitalization" has absolutely no effect on the reasons given for recommending

that Plaintiff's motion be overruled, and there is no legal basis for delaying a final decision on this matter.

Based on the reasoning and citations of authority set forth by Magistrate Judge Newman in the Report and Recommendations, Doc. #114, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety, and OVERRULES Plaintiff's "Emergency Motion for Temporary Restraining Order to Enjoin the Ohio Greene County Courts of Common Pleas from Submitting Ruling on Matters Presently Under Subject Matter Jurisdiction of the Federal District Court Southern Division at Dayton[, ] Ohio." Doc. #113.

Date: April 23, 2019



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE